

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY LAWRENCE BARRA,
Plaintiff,
v.
WILSON, et al.,
Defendants.

1:24-cv-00069-HBK (PC)

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 5)

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
TULARE COUNTY SHERIFF

Plaintiff—a prisoner—initiated this action on January 16, 2024, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint and submitted a copy of his prison trust fund statement in support. (Doc. No. 5). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the full statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). **Pursuant to § 1915(b)(1)(A), Plaintiff is obligated to make an initial payment of \$11.00¹ (20% of the average 6-month deposits to the prisoner's account).** Plaintiff must make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's trust account. 28 U.S.C. § 1915(b)(2). The Tulare County Sheriff is required to send to the Clerk of the Court payments from plaintiff's

¹ The statute requires an initial filing fee of 20% of the greater of the six-months average monthly deposits or average monthly balance. 28 U.S.C. § 1915(b)(1)(A), (B). Plaintiff had average deposits of \$55.00 over the relevant six-month period.

1 account each time the amount in the account exceeds \$10.00, until the statutory filing fee is paid
2 in full. *Id.*

3 According, it is **ORDERED**:

- 4 1. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 5) is **GRANTED**.
- 5 2. **Pursuant to 28 U.S.C. § 1915 (b)(1), the Tulare County Sheriff or his designee shall**
6 **forward an initial payment of \$11.00 to the Clerk of the Court from Plaintiff's prison**
7 **trust account in accordance with 28 U.S.C. § 1915(b)(1)(A) and shall make future**
8 **monthly payments in an amount equal to twenty percent (20%) of the preceding**
9 **month's income credited to the Plaintiff's trust account each time the amount in the**
10 **account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of**
11 **\$350.00 has been collected and forwarded to the Clerk of the Court.** The payments
12 shall be clearly identified by the name and number assigned to this action.
- 13 3. The Clerk of the Court is directed to serve a copy of this Order and a copy of Plaintiff's *in*
14 *forma pauperis* application (Doc. No. 5) on the Tulare County Sheriff located at 36714
15 Road 112, Visalia, CA 93291.
- 16 4. The Clerk of the Court is directed to serve a copy of this Order on the Financial
17 Department, U.S. District Court, Eastern District of California, Sacramento Division.

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19 Dated: February 8, 2024

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21 HELENA M. BARCH-KUCHTA
22 UNITED STATES MAGISTRATE JUDGE
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